

UNITED STATES DISTRICT COURT

Mark CiminiDistrict of: Massachusetts

Plaintiff

V.

MassachusettsMargaret Cimini

Defendant

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER:

I, Mark Cimini declare that I am the (check appropriate box)☒ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☒ No (If "No," go to Part 2)

If "Yes," state the place of your incarceration _____

Are you employed at the institution? _____ Do you receive any payment from the _____

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☒ Yes ☐ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

See IN Forma Pauperis

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | |
|---|------------------------------|-----------------------------|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. Disability or workers compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

Sec In Forme Pauperis

4. Do you have any cash or checking or savings accounts?

☒ Yes

☐ No

If "Yes," state the total amount. _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? ☒ Yes ☐ No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

12/31/04
Date

Mark Cimin
Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

District Court of the United States

Mark Cimini

Petitioner-Appellant

Vs.

Commonwealth of Massachusetts

Respondent-

Appellee,

Case: No.

97D-4115-DV1

**MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS**

This is a MOTION BY YOUR PETITIONER FOR LEAVE TO PROCEED IN FORMA PAUPERIS in support of the Writ of and other future action at this court; from an unjust and unlawful judgment or findings disenfranchising me from my own child from the Probate and Family Courts of Middlesex County, Supreme Judicial Court, County of Middlesex.

Your Petitioner is unable, because of the people of the Commonwealth of Massachusett, et al., has continually, and maliciously civilly murdered your petitioner in overt violation of law for profit (i.e., federal monies, thereby intentionally leaving him in a state of severe financial hardship. Petitioner is unable because of this extortion and financial hardship to pay court costs, but believes that he is entitled to the redress sought, and as a matter of right and perfect right as his status as a free and sovereign Citizen of


PAUPERIS

1 Massachusetts and of the United States, obtains substantive due
 2 process of law as a matter of right and secured liberty¹. Therefore,
 3 your petitioner demands leave to proceed on appeal in forma pauperis
 4 in accordance with Title 28, USC section 1915, and Fed R App P 24 (a).
 5 This motion is based on the attached affidavit.

6 Petitioner is under extreme duress and coercion by the
 7 respondents in this matter and is under a constant state of war during
 8 a profound time of peace in this nation. Respondents act in bad faith
 9 with unclean hands in direct and overt violation of law and against
 10 your petitioner's constitutionally secured liberties and substantive
 11 rights. No previous applications for in forma pauperis status have
 12 been made to this Court.
 13

14 Dated: December 31, 2004

15 SEAL:


 Mark Cimini-AT LAW
 Pro Se/
 In Propria Persona, Sui Juris\
 Non-attorney
 Middlesex Judicial District
 12 Maple Road
 Westford, Massachusetts [01886]
 (978) 692-4556

24 ¹ Massachusetts Constitution, Part the First, Article XI. Every subject of the
 25 commonwealth ought to find a certain remedy, by having recourse to the laws, for all
 injuries or wrongs which he may receive in his person, property, or character. He
 ought to obtain right and justice freely, and **without being obliged to purchase it;**
 completely, and without any denial; promptly, and without delay; conformably to the
 laws.

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SUPREME JUDICIAL COURT OF MASSACHUSETTS

Mark Cimini

Petitioner-Appellant

Vs.

Commonwealth of Massachusetts

Respondent-Appellee,

Case: No. 97D-4115-DV1

AFFIDAVIT IN SUPPORT OF
MOTION TO PROCEED ON
WRIT OF HABEAS CORPUS
IN FORMA PAUPERIS

I, Mark Cimini; being first duly sworn, depose and say that I am the appellant and petitioner in the above-entitled case; that in support of my writ of Mandamus I believe I am entitled to redress of grievances; and that I have a constitutionally secured liberty to substantive due process as a matter of right and perfect\unailenable right, and open access to the above-entitled court of law; and thereby, I state that because of my severe financial hardships I am unable to reasonably pay the costs of said proceeding therefore; that I believe I am entitled to this reasonable redress; and have a perfect right to substantive due process of law, and that the issues which I desire to present in this matter, are substantiated throughout this document.

For Good Cause having been shown, by your petitioner, in accordance to the law of the Constitution for the Commonwealth of Massachusetts (1780), and the Constitution for the United States

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1 (1787-1791) and that your petitioner and accused and greatly
2 aggrieved party in this matter, has reasonable, palpable,
3 constitutional, jurisdictional and substantive due process grounds
4 for original and appellate review of the legality of the proceedings
5 and vindication of rights, in the above entitled matter under Writ of
6 Habeas Corpus review to vindicate my substantive rights as a father
7 and have my Common Law property returned to me.

8
9 I, Mark Cimini, being first duly sworn, depose and say that I am
10 the petitioner in the above entitled matter; that in support of my
11 motion to proceed on this original equitable action at law, without
12 being required to prepay fees, costs thereto, I state that because of
13 my financial hardships, I am unable to pay the costs of said
14 proceeding without incurring additional financial hardships
15 therefore; that I believe I am entitled to redress of grievances and
16 substantive due process of law (which I have so far been denied); and
17 that the issues which I have framed and will bring up on appeal are
18 so egregious and palpable to a free nation and in support to the rule
19 of law, that they are a foundational reasons to grant this motion to
20 issue said Writ of Mandamus. I desire to present the following
21 issues on this Writ of Mandamus to wit:

22
23 **I**

24 That I, as the true and Common Law father to my child, Jonathan
25 Cimini, my Common Law property, and I as his father and as lawful
natural guardian cannot be lawfully denied my children by respondents

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1 or their surrogate courts; or by the unlawful acts and/or omissions
2 by the County of Middlesex in collusion with the Commonwealth of
3 Massachusetts in overt conspiracy with Ms. Margaret Cimini,
4 intentionally forced me into a planned system of slavery, control and
5 extortion in order for me to support my own destruction under the
6 guise of "Child Support" and "Best Interest of the Children" and/or
7 "alimony" by and through respondent's surrogate court systems; rather
8 than to simply have your petitioner's natural law, the common law
9 right, and constitutionally protected secured liberty to own, control
10 and care for my own children, without state intervention in
11 accordance with both law and reason.
12

13 II

14 The fraudulently applied doctrine of Parens Patriae, (state as
15 the ultimate parent) which is upheld as a religious entity throughout
16 aforementioned courts statutory scheme under the Commonwealth of
17 Massachusetts, is an unlawful doctrine at law, that my rights and
18 liberties as a Common Law sovereign citizen and father are superior
19 to the state. That my liberty of conscience is superior to the
20 County of Middlesex, and the Commonwealth of Massachusetts, and
21 thereby, as Father to my child Jonathan Cimini, my will and authority
22 and belief's over them are protected by law as Common Law property,
23 and thereby, I cannot support any system that steals, kidnaps,
24 inveigle's or restrains my child and lawful property from me, then
25 demands profit from that unlawful and unclean bad faith act.

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III

That aforementioned courts, and other third parties, both public and private, state agents, agencies and state actors acting in both their personal and professional capacities, are directly or indirectly benefiting from usurping my authority as a father and have taken from me my Common Law property, by their cogent unlawful acts and/or omissions in this matter, and that they have unclean hands, and thereby; cannot profit from the law.

IV

The doctrine of "BEING IN THE BEST INTERESTS OF THE CHILD" is a false doctrine, one not truly administered, but only proffered under overt fraud, bad faith, and unlawfully used to usurp my, and predominately male litigants, natural born, common law and constitutionally secured liberties and/or civil rights to life, liberty and property which I am heir to by right and perfect right. That the County of Middlesex, and/or Commonwealth of Massachusetts has unlawfully used this doctrine unlawfully, overtly for its own benefit, as an ongoing enterprise, to knowingly violate the rights of fathers of which I am, so that they may unlawfully gain direct "Title IV-D" remuneration, and/or other financial or statutory or social engineering benefits and/or scams and/or schemes.

V

That my rights as a free and sovereign Massachusetts Citizen, have been egregiously and violently violated in direct and overt

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1 contradistinction to law, and public policy; that aforementioned
2 respondents, are arrogantly and insolently violating the law, and/or
3 the Constitution for the Commonwealth of Massachusetts, for profit;
4 in order to gain "Title IV-D" and other welfare remuneration scams
5 and schemes. This is a great detriment to your petitioner, as well
6 as my children, and as well as the People of the Commonwealth of
7 Massachusetts who are directly damaged by and through this fraud.

8 VI

9
10 That my substantive due process of law rights were violated from
11 the inception of this matter when my children were unlawfully taken
12 from me in overt and direct violation of law, and my considerable
13 authority; and aforementioned court process, and courts did conspire
14 to forcibly and intentionally deny me my natural born, Common Law and
15 Constitutional and civil rights and (Common Law) property rights so
16 that they could conspire and all gain direct or indirect control
17 and/or remuneration(s).

18 VII

19 I was not lawfully as mandated by constitutional law, informed
20 of the nature and cause of the accusation against me; the venue, the
21 jurisdiction and the real party of interest.

22 VIII

23 The prosecution, (nor any court) nor any respondent has lawfully
24 answered my Bill of Particulars of which I lawfully served upon the
25 County of Middlesex, et al. Said respondents have intentionally kept

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1 me ignorant of knowing the nature and cause of the proceedings
2 against me and unlawfully forced me to trial thereby. This act
3 and/or omission is a overt violation of the Constitution for the
4 United States 1787-1791, Amendment the Sixth, which mandates that the
5 above entitled court and all its "officers of the court" give full
6 disclosure as to the nature and cause of this action, the venue, the
7 jurisdiction and the real party of interest.

8
9 **IX**

10 I was never at any time able to confront the real party of
11 interest accuser against me, denying me my rights; even though I
12 mandated that right both by oral and written motion.

13 **X**

14 The County of Middlesex, et als., have overtly conspired and
15 openly and egregiously worked against me and thereby was able to
16 procure an unlawful transfer of Common Law title and/or property of
my children.

17 **XI**

18 In order to obtain various sources of monies, the respondents
19 have unlawfully civilly murdered me, and placed me in legal jeopardy
20 without substantive due process of law rights being upheld to me.

21 **XII**

22 That the County of Middlesex, and the Commonwealth of
23 Massachusetts has unlawfully prosecuted a new form of slavery,
24 abhorrent to a free peoples and in direct contradistinction to the
25 concise rule of law.

XIII

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1 That this matter stems upon an illegal and unconscionable
2 contract and bad faith acts and/or omissions applied against me in
3 direct violation to my rights and the concise rule of law; and that
4 in fact, said contract is null and void in ab initio, and
5 aforementioned prosecution as well as the County of Middlesex has
6 factually been expunged from this matter as aforesaid matter has been
7 lawfully been defaulted.

8
9 I further swear that the responses which I have made to the
10 questions and instructions below relating to my ability to pay the
11 cost of prosecuting the appeal are true. I, Mark Cimini, being first
12 duly sworn, depose and say that I am the petitioner in this matter,
13 the accused and greatly aggrieved party in this matter; that in
14 support of my motion to proceed on appeal without being required to
15 prepay fees, or costs, I state that because of my financial
16 hardships, I am unable to pay the costs of said and doing so, would
17 factually be a hardship against me and my family (i.e., 'second
18 family' consisting of a wife and daughter), therefore; that I believe
19 I am entitled to redress of grievances which would be a great
20 hardship to me otherwise; and am allowed substantive due process of
21 law as a matter of right and perfect right, and open access to the
22 courts; and that the issues I hereby have framed for appeal, are
23 palpable and mandate this Motion to Proceed on Appeal In Forma
24 Pauperis.

25 I further swear that the responses which I have made to the
questions and instructions below relating to my ability to pay the
cost of prosecuting this Writ of Mandamus are true as the County of
Middlesex, and/or the Commonwealth of Massachusetts, represented by
the County of Middlesex, for said respondent Ms. Margaret Cimini in
full support for respondent's intentions to disenfranchise me under

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1 color of law and under color of authority, have greatly damaged and
 2 burdened me, and has destroyed me and thereby destroys my children
 3 and family and are in fact, directly responsible along with his
 4 surrogate court systems of which respondents depend; and from their
 5 unlawful acts and/or omissions they have overtly committed against me
 6 civil murder and a substantial and unlawful disenfranchisement of my
 substantive rights:

7
 8 1.) I reserve all rights and give up none. Since this fraud being
 9 perpetrated by the RESPONDENTS, the County of Middlesex,
 10 and/or the Commonwealth of Massachusetts, is about money, **a**
 11 **transfer of wealth scheme**,² I can give nobody any information
 12 in regards to my finances, or property; as anything I say or
 13 submit may be held against me. I reserve all rights and give
 14 up none, and maintain my silence as a matter of right under
 15 substantive due process of law and under both the Amendment
 16 the Fifth of the Constitution for the united States (1787-
 17 1791): "No person shall be held to answer for a capital or
 18 otherwise infamous crime, unless on a presentment or
 19 indictment of a grand jury, except in cases arising in the
 20 land or naval forces, or in the militia, when in actual
 21 service in time of war or public danger; nor shall any person
 22 be subject for the same offense to be twice put in jeopardy of
 23 life or limb, nor **shall be compelled in any criminal case to**
 24 **be a witness against himself**, nor be deprived of life,
 liberty, or property, without due process of law; nor shall
 private property be taken for public use without just
 compensation."³

25 ² *United States v. Faasse*, 265 F.3d 475, 482, 490 (6th Cir. 2001). "See e.g. Mich. Comp. Laws Ann. §552.452 (providing
 payment of support to the office of the Michigan friend of the court). As a result, court-ordered **wealth transfers** to or from
 Michigan residents are not per se a fit object of the federal Commerce Power."

³ Controlling Maxim of Law: "No man is required to participate in his own destruction."

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- 1 2.) The Massachusetts Constitution, Part the first, Article XI,
2 "Every subject of the commonwealth ought to find a certain
3 remedy, by having recourse to the laws, for all injuries or
4 wrongs which he may receive in his person, property, or
5 character. He ought **to obtain right and justice freely, and**
6 **without being obliged to purchase it;** completely, and without
7 any denial; promptly, and without delay, conformably to the
8 laws."
- 9 3.) That to pay would place a great hardship on me and my family.
- 10 4.) That I had been unemployed from April 23rd, 2004 till December
11 6th, 2004 and had been living off limited (and now completely
12 depleted) savings which provided for me, my wife, our
13 daughter, and my son.
- 14 5.) I have limited funds at my disposal and have the right to
15 privacy of which those funds go into the care, custody and
16 upbringing of my child Jonathan Cimini, and Taisya Cimini.
- 17 6.) I in fact, have substantial obligations and debt as I am in
18 fact, a taxpayer of Middlesex County, Massachusetts, and the
19 United States.
- 20 7.) The Commonwealth, after taxes, other court ordered expenses
21 including health care, and child support, has left me with
22 less than 25% of my salary to provide for my family's
23 necessities of life.
- 24 8.) My children Jonathan Cimini, and Taisya Cimini are dependent
25 on my support as I am the father of my children and any
hardship will accrue to me, will affect them as my financing
of my own destruction will diminish my presence in their life
by forced payments into this proceeding.

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1 I understand that a false statement or answer to any question in
2 this affidavit will subject me to penalties of perjury as I know them
3 by the laws of the Commonwealth of Massachusetts.

4 Dated: December 31st, 2004



5 SEAL:

6 Mark Cimini-AT LAW
7 Pro Se/In Propria Persona, Sui Juris/
8 non-attorney
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